

**As Introduced**

**131st General Assembly  
Regular Session  
2015-2016**

**H. B. No. 209**

**Representative Grossman**

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**A BILL**

To amend sections 2917.11, 2917.31, 2917.32, and 1  
2921.31 of the Revised Code to include in the 2  
offenses of disorderly conduct, inducing panic, 3  
making false alarms, and obstructing official 4  
business, prohibitions against simulating a 5  
crime or creating a condition that causes or 6  
intends to cause law enforcement officials to 7  
falsely believe that a crime is being committed 8  
or causes serious public inconvenience or alarm. 9

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 2917.11, 2917.31, 2917.32, and 10  
2921.31 of the Revised Code be amended to read as follows: 11

**Sec. 2917.11.** (A) No person shall recklessly cause 12  
inconvenience, annoyance, or alarm to another by doing any of 13  
the following: 14

(1) Engaging in fighting, in threatening harm to persons 15  
or property, or in violent or turbulent behavior; 16

(2) Making unreasonable noise or an offensively coarse 17  
utterance, gesture, or display or communicating unwarranted and 18  
grossly abusive language to any person; 19

(3) Insulting, taunting, or challenging another, under 20  
circumstances in which that conduct is likely to provoke a 21  
violent response; 22

(4) Hindering or preventing the movement of persons on a 23  
public street, road, highway, or right-of-way, or to, from, 24  
within, or upon public or private property, so as to interfere 25  
with the rights of others, and by any act that serves no lawful 26  
and reasonable purpose of the offender; 27

(5) Creating a condition that is physically offensive to 28  
persons or that presents a risk of physical harm to persons or 29  
property, by any act that serves no lawful and reasonable 30  
purpose of the offender; 31

(6) Creating a condition with the intent of causing law 32  
enforcement officials to believe a crime is being committed. 33

(B) No person, while voluntarily intoxicated, shall do 34  
either of the following: 35

(1) In a public place or in the presence of two or more 36  
persons, engage in conduct likely to be offensive or to cause 37  
inconvenience, annoyance, or alarm to persons of ordinary 38  
sensibilities, which conduct the offender, if the offender were 39  
not intoxicated, should know is likely to have that effect on 40  
others; 41

(2) Engage in conduct or create a condition that presents 42  
a risk of physical harm to the offender or another, or to the 43  
property of another. 44

(C) Violation of any statute or ordinance of which an 45  
element is operating a motor vehicle, locomotive, watercraft, 46  
aircraft, or other vehicle while under the influence of alcohol 47  
or any drug of abuse, is not a violation of division (B) of this 48

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| section.   | 49                         |
| (D) If a person appears to an ordinary observer to be intoxicated, it is probable cause to believe that person is voluntarily intoxicated for purposes of division (B) of this section.  | 50<br>51<br>52<br>53       |
| (E) (1) Whoever violates this section is guilty of disorderly conduct.   | 54<br>55                   |
| (2) Except as otherwise provided in division (E) (3) of this section, disorderly conduct is a minor misdemeanor.   | 56<br>57                   |
| (3) Disorderly conduct is a misdemeanor of the fourth degree if any of the following applies:  | 58<br>59                   |
| (a) The offender persists in disorderly conduct after reasonable warning or request to desist.   | 60<br>61                   |
| (b) The offense is committed in the vicinity of a school or in a school safety zone.   | 62<br>63                   |
| (c) The offense is committed in the presence of any law enforcement officer, firefighter, rescuer, medical person, emergency medical services person, or other authorized person who is engaged in the person's duties at the scene of a fire, accident, disaster, riot, or emergency of any kind. | 64<br>65<br>66<br>67<br>68 |
| (d) The offense is committed in the presence of any emergency facility person who is engaged in the person's duties in an emergency facility.  | 69<br>70<br>71             |
| (F) As used in this section:   | 72                         |
| (1) "Emergency medical services person" is the singular of "emergency medical services personnel" as defined in section 2133.21 of the Revised Code.   | 73<br>74<br>75             |

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| (2) "Emergency facility person" is the singular of                    | 76  |
| "emergency facility personnel" as defined in section 2909.04 of       | 77  |
| the Revised Code.   | 78  |
| (3) "Emergency facility" has the same meaning as in                   | 79  |
| section 2909.04 of the Revised Code.                                  | 80  |
| (4) "Committed in the vicinity of a school" has the same              | 81  |
| meaning as in section 2925.01 of the Revised Code.                    | 82  |
| <b>Sec. 2917.31.</b> (A) No person shall cause the evacuation of      | 83  |
| any public place, or otherwise cause serious public                   | 84  |
| inconvenience or alarm, by doing any of the following:                | 85  |
| (1) Initiating or circulating a report or warning of an               | 86  |
| alleged or impending fire, explosion, crime, or other                 | 87  |
| catastrophe, knowing that such report or warning is false;            | 88  |
| (2) Threatening to commit any offense of violence;                    | 89  |
| (3) Committing any offense, with reckless disregard of the            | 90  |
| likelihood that its commission will cause serious public              | 91  |
| inconvenience or alarm;   | 92  |
| <u>(4) Purposely simulating the commission of any offense,</u>        | 93  |
| <u>with reckless disregard that its simulation will cause serious</u> | 94  |
| <u>public inconvenience or alarm.</u>                                 | 95  |
| (B) Division (A) (1) of this section does not apply to any            | 96  |
| person conducting an authorized fire or emergency drill.              | 97  |
| (C) (1) Whoever violates this section is guilty of inducing           | 98  |
| panic.  | 99  |
| (2) Except as otherwise provided in division (C) (3), (4),            | 100 |
| (5), (6), (7), or (8) of this section, inducing panic is a            | 101 |
| misdemeanor of the first degree.                                      | 102 |

(3) Except as otherwise provided in division (C) (4), (5), 103  
(6), (7), or (8) of this section, if a violation of this section 104  
results in physical harm to any person, inducing panic is a 105  
felony of the fourth degree. 106

(4) Except as otherwise provided in division (C) (5), (6), 107  
(7), or (8) of this section, if a violation of this section 108  
results in economic harm, the penalty shall be determined as 109  
follows: 110

(a) If the violation results in economic harm of one 111  
thousand dollars or more but less than seven thousand five 112  
hundred dollars and if division (C) (3) of this section does not 113  
apply, inducing panic is a felony of the fifth degree. 114

(b) If the violation results in economic harm of seven 115  
thousand five hundred dollars or more but less than one hundred 116  
fifty thousand dollars, inducing panic is a felony of the fourth 117  
degree. 118

(c) If the violation results in economic harm of one 119  
hundred fifty thousand dollars or more, inducing panic is a 120  
felony of the third degree. 121

(5) If the public place involved in a violation of 122  
division (A) (1) of this section is a school or an institution of 123  
higher education, inducing panic is a felony of the second 124  
degree. 125

(6) If the violation pertains to a purported, threatened, 126  
or actual use of a weapon of mass destruction, and except as 127  
otherwise provided in division (C) (5), (7), or (8) of this 128  
section, inducing panic is a felony of the fourth degree. 129

(7) If the violation pertains to a purported, threatened, 130  
or actual use of a weapon of mass destruction, and except as 131

otherwise provided in division (C)(5) of this section, if a 132  
violation of this section results in physical harm to any 133  
person, inducing panic is a felony of the third degree. 134

(8) If the violation pertains to a purported, threatened, 135  
or actual use of a weapon of mass destruction, and except as 136  
otherwise provided in division (C)(5) of this section, if a 137  
violation of this section results in economic harm of one 138  
hundred thousand dollars or more, inducing panic is a felony of 139  
the third degree. 140

(D)(1) It is not a defense to a charge under this section 141  
that pertains to a purported or threatened use of a weapon of 142  
mass destruction that the offender did not possess or have the 143  
ability to use a weapon of mass destruction or that what was 144  
represented to be a weapon of mass destruction was not a weapon 145  
of mass destruction. 146

(2) Any act that is a violation of this section and any 147  
other section of the Revised Code may be prosecuted under this 148  
section, the other section, or both sections. 149

(E) As used in this section: 150

(1) "Economic harm" means any of the following: 151

(a) All direct, incidental, and consequential pecuniary 152  
harm suffered by a victim as a result of criminal conduct. 153  
"Economic harm" as described in this division includes, but is 154  
not limited to, all of the following: 155

(i) All wages, salaries, or other compensation lost as a 156  
result of the criminal conduct; 157

(ii) The cost of all wages, salaries, or other 158  
compensation paid to employees for time those employees are 159

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| prevented from working as a result of the criminal conduct;   | 160   |
| (iii) The overhead costs incurred for the time that a<br>business is shut down as a result of the criminal conduct;   | 161<br>162                                    |
| (iv) The loss of value to tangible or intangible property<br>that was damaged as a result of the criminal conduct.  | 163<br>164                                    |
| (b) All costs incurred by the state or any political<br>subdivision as a result of, or in making any response to, the<br>criminal conduct that constituted the violation of this section<br>or section 2917.32 of the Revised Code, including, but not<br>limited to, all costs so incurred by any law enforcement<br>officers, firefighters, rescue personnel, or emergency medical<br>services personnel of the state or the political subdivision. | 165<br>166<br>167<br>168<br>169<br>170<br>171 |
| (2) "School" means any school operated by a board of<br>education or any school for which the state board of education<br>prescribes minimum standards under section 3301.07 of the<br>Revised Code, whether or not any instruction, extracurricular<br>activities, or training provided by the school is being<br>conducted at the time a violation of this section is committed.  | 172<br>173<br>174<br>175<br>176<br>177        |
| (3) "Weapon of mass destruction" means any of the<br>following:   | 178<br>179                                    |
| (a) Any weapon that is designed or intended to cause death<br>or serious physical harm through the release, dissemination, or<br>impact of toxic or poisonous chemicals, or their precursors;   | 180<br>181<br>182                             |
| (b) Any weapon involving a disease organism or biological<br>agent;   | 183<br>184                                    |
| (c) Any weapon that is designed to release radiation or<br>radioactivity at a level dangerous to human life;  | 185<br>186                                    |
| (d) Any of the following, except to the extent that the   | 187   |

item or device in question is expressly excepted from the 188  
definition of "destructive device" pursuant to 18 U.S.C. 921(a) 189  
(4) and regulations issued under that section: 190

(i) Any explosive, incendiary, or poison gas bomb, 191  
grenade, rocket having a propellant charge of more than four 192  
ounces, missile having an explosive or incendiary charge of more 193  
than one-quarter ounce, mine, or similar device; 194

(ii) Any combination of parts either designed or intended 195  
for use in converting any item or device into any item or device 196  
described in division (E) (3) (d) (i) of this section and from 197  
which an item or device described in that division may be 198  
readily assembled. 199

(4) "Biological agent" has the same meaning as in section 200  
2917.33 of the Revised Code. 201

(5) "Emergency medical services personnel" has the same 202  
meaning as in section 2133.21 of the Revised Code. 203

(6) "Institution of higher education" means any of the 204  
following: 205

(a) A state university or college as defined in division 206  
(A) (1) of section 3345.12 of the Revised Code, community 207  
college, state community college, university branch, or 208  
technical college; 209

(b) A private, nonprofit college, university or other 210  
post-secondary institution located in this state that possesses 211  
a certificate of authorization issued by the Ohio board of 212  
regents pursuant to Chapter 1713. of the Revised Code; 213

(c) A post-secondary institution with a certificate of 214  
registration issued by the state board of career colleges and 215



schools under Chapter 3332. of the Revised Code. 216

**Sec. 2917.32.** (A) No person shall do any of the following: 217

(1) Initiate or circulate a report or warning of an 218  
alleged or impending fire, explosion, crime, or other 219  
catastrophe, knowing that the report or warning is false and 220  
likely to cause public inconvenience or alarm; 221

(2) Knowingly cause a false alarm of fire or other 222  
emergency to be transmitted to or within any organization, 223  
public or private, for dealing with emergencies involving a risk 224  
of physical harm to persons or property; 225

(3) Report or recklessly cause another person to report to 226  
any law enforcement agency an alleged offense or other incident 227  
within its concern, knowing that such offense did not occur. 228

(B) This section does not apply to any person conducting 229  
an authorized fire or emergency drill. 230

(C) (1) Whoever violates this section is guilty of making 231  
false alarms. 232

(2) Except as otherwise provided in division (C) (3), (4), 233  
(5), or (6) of this section, making false alarms is a 234  
misdemeanor of the first degree. 235

(3) Except as otherwise provided in division (C) (4) of 236  
this section, if a violation of this section results in economic 237  
harm of one thousand dollars or more but less than seven 238  
thousand five hundred dollars, making false alarms is a felony 239  
of the fifth degree. 240

(4) If a violation of this section pertains to a 241  
purported, threatened, or actual use of a weapon of mass 242  
destruction, making false alarms is a felony of the third 243

degree. 244

(5) If a violation of this section results in economic 245  
harm of seven thousand five hundred dollars or more but less 246  
than one hundred fifty thousand dollars and if division (C) (4) 247  
of this section does not apply, making false alarms is a felony 248  
of the fourth degree. 249

(6) If a violation of this section results in economic 250  
harm of one hundred fifty thousand dollars or more, making false 251  
alarms is a felony of the third degree. 252

(D) (1) It is not a defense to a charge under this section 253  
that pertains to a purported or threatened use of a weapon of 254  
mass destruction that the offender did not possess or have the 255  
ability to use a weapon of mass destruction or that what was 256  
represented to be a weapon of mass destruction was not a weapon 257  
of mass destruction. 258

(2) Any act that is a violation of this section and any 259  
other section of the Revised Code may be prosecuted under this 260  
section, the other section, or both sections. 261

(E) As used in this section, "economic harm" and "weapon 262  
of mass destruction" have the same meanings as in section 263  
2917.31 of the Revised Code. 264

**Sec. 2921.31.** (A) No person, without privilege to do so 265  
and with purpose to prevent, obstruct, or delay the performance 266  
by a public official of any authorized act within the public 267  
official's official capacity, shall do any act that hampers or 268  
impedes a public official in the performance of the public 269  
official's lawful duties. 270

(B) No person, without privilege to do so, shall commit 271  
any act that simulates a crime with the purpose to obstruct, 272

distract, or divert a law enforcement official from any 273  
authorized act within the law enforcement official's official 274  
capacity. 275

(C) Whoever violates this section is guilty of obstructing 276  
official business. Except as otherwise provided in this 277  
division, obstructing official business is a misdemeanor of the 278  
second degree. If a violation of this section creates a risk of 279  
physical harm to any person, obstructing official business is a 280  
felony of the fifth degree. 281

**Section 2.** That existing sections 2917.11, 2917.31, 282  
2917.32, and 2921.31 of the Revised Code are hereby repealed. 283